



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 9, 2015

VIA ECF

Hon. Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-10-2015

RE: *United States v. Any and All Radio Station Transmission Equipment etc.*, 14 Civ. 991 (LTS); and
United States v. Any and All Radio Station Transmission Equipment etc., 14 Civ. 988 (RA)

Dear Judge Swain:

This Office represents the United States in the above-referenced civil forfeiture actions filed on behalf of the Federal Communications Commission. The first case referenced above (14 Civ. 991) is pending before Your Honor, and the second (14 Civ. 988) is pending before Judge Abrams. I write respectfully to inform the Court of certain filing errors that have resulted in a claim for the seized materials associated with the complaint filed in 14 Civ. 988 being inadvertently filed in 14 Civ. 991. *See* 14 Civ. 991, Dkt. Entry Nos. 12, 13. The Government respectfully requests that the Court transfer that claim to the civil action styled, *United States v. Any and All Radio Station Transmission Equipment etc.*, 14 Civ. 988 (RA).

Both referenced civil actions involve illegal radio stations operating in New York City. Both complaints were filed at the same time. In both cases, the Government sought and received warrants to seize materials used in connection with the transmission of illegal radio stations. The U.S. Marshals executed the warrants and served the related summonses and complaints in both actions on the same day. Unfortunately, the process receipts for both actions were filed in 14 Civ. 991. As a result, the claim filed by claimant Ariel Sanchez was filed under 14 Civ. 991 even though he seeks return of materials associated with the complaint filed in 14 Civ. 988. Therefore, the Government respectfully requests that the Court transfer the claim filed under 14 Civ. 991, namely Docket Entry Nos. 12 and 13, to 14 Civ. 988.

If this request is granted, the Government anticipates promptly filing an application for forfeiture in 14 Civ. 991, and a motion addressing the claim in 14 Civ. 988. Additionally, as there are no claims filed seeking the return of items at issue in 14 Civ. 991, the Government does not believe a conference prior to the filing of its application of forfeiture is necessary in this matter.

I thank the Court for its consideration of this letter. We regret any inconvenience caused by the inadvertent filing error.

Respectfully,

PREET BHARARA
United States Attorney for the
Southern District of New York


By: /s/Arastu K. Chaudhury
ARASTU K. CHAUDHURY
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel: (212) 637-2633
Fax: (212) 637-2750
arastu.chaudhury@usdoj.gov

cc: Honorable Ronnie Abrams (via email and ECF)
Ariel Sanchez, *pro se* claimant (via certified mail)

The Clerk of Court is requested to
transfer docket entries 12 and 13
from 14CV991 to 14CV988.

A conference will be held in 14CV991
on April 10, 2015, at 10:15AM if no
forfeiture application has been filed
before that date. This endorsed order
resolves docket entry 15 in 14CV991.

SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE